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*Society For Human Resource Management*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SOCIETY FOR HUMAN RESOURCE  
MANAGEMENT, an Ohio corporation,  
Plaintiff,

vs.

ZROWTH LLC, d/b/a HR GROWTH  
TOOLS, a Wyoming limited liability  
corporation with a principal place of business  
in Milpitas, California,  
Defendant.

Case No. : \_\_\_\_\_

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Society For Human Resource Management (“SHRM”), for its Complaint against  
Defendant Zrowth LLC, d/b/a HR Growth Tools (“Defendant”), alleges as follows:

**INTRODUCTION**

1. This action arises from Defendant’s use of a mark that is identical to SHRM’s  
highly distinctive and well-known SHRM trademark and design mark in connection with the

1 same goods and services proved by Plaintiff. Defendant's actions are likely to cause confusion  
2 among consumers, and if not stopped, threaten to irreparably harm Plaintiff and its valuable  
3 brand. Plaintiff seeks damages and injunctive relief based on Defendant's willful trademark  
4 infringement and unfair competition under federal and state law.

#### 5 **PARTIES**

6 2. SHRM is a corporation organized under the laws of Ohio and has its principal  
7 place of business at 1800 Duke Street, Alexandria, Virginia 22314. SHRM is the owner of the  
8 SHRM trademarks asserted in this Complaint.

9 3. Zrowth LLC is a Wyoming limited liability company, with a principal place of  
10 business at 1309 Coffeen Avenue STE 1200 Sheridan, Wyoming 82801. Plaintiff is informed  
11 and believes that Zrowth LLC is doing business as HR Growth Tools, which has a principal  
12 place of business at 500 Amalfi Loop, Apt 163, Milpitas, California 95035.

#### 13 **JURISDICTION**

14 4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1332,  
15 and 1338, and supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.  
16 Plaintiff's claims are predicated upon 15 U.S.C. § 1114 and § 1125(a), and substantial and  
17 related claims under the law of the State of California.

18 5. On information and belief, this Court has personal jurisdiction over Defendant  
19 because Defendant has an office in California; transacts business in and from California; and  
20 maintains and operates a website that originates from and/or is accessible to residents of the State  
21 of California through which it actively advertises, promotes, and sells the infringing products and  
22 services.



#### 23 **VENUE**


24 6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c),  
25 because Defendant resides in this district and a substantial part of the events or omissions giving  
26 rise to the claims herein occurred within this judicial district.





**PLAINTIFF AND ITS TRADEMARKS**




7. SHRM is a leading international expert in the human resources (“HR”) field, with more than 300,000 HR and business executive members in 165 countries.

8. SHRM owns the exclusive rights to its SHRM word mark and stylized logo, and it also owns numerous federal trademark registrations relating to the SHRM mark, including but not limited to the following (“SHRM Marks”):

Reg. No.	Mark	Goods and Services
4,552,288		Consulting services in the field of human resources
3,580,962		Arrangement of training courses; arranging and conducting educational conferences, exhibitions, seminars, professional workshops and training courses; developing educational manuals and materials for others, in each case, in the field of human resource management; education in the field of human resource management rendered through video conferences, live and online classes, seminars, and workshops; educational services, namely, conducting informal online programs in the field of human resource management and printed materials distributed therewith; instruction in the field of human resource management; meeting and seminar arranging; online publications, namely, online newsletters, written articles, white papers and survey reports in the field of human resource management; providing newsletters in the field of human resource management via email; providing online information and news in the field of employment training; providing recognition and incentives by way of awards to demonstrate excellence in the field of human resource management; publications, namely, providing online magazines in the field of human resource management; teaching in the field of human resource management; training services in the field of human resource management


1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27	3,554,557		<p>Arranging and conducting business conferences and trade show exhibitions in the field of human resource management; advertising featuring communications with external audiences using printed materials, white papers, news releases, and advertising; dissemination of advertising for others via online communication networks on the Internet; dissemination of advertising, scheduling, and managing of training courses and programs for others via a global computer network; dissemination of advertising materials, namely, leaflets, brochures, and printed matter and distributing advertising material; educational leadership development; employee relations information services; employment hiring, recruiting, placement, staffing, and career networking services; human resource consultation; human resource management; personnel management consultancy; information, advisory, and consultancy services relating to business and management or business administration, including such services provided online or via the internet; lobbying and advocacy services intended to promote public policy issues, ideas, data and positions to promote the interests of human resource management in the fields of legislation and registration; online business networking services; online business directories featuring human resource jobs; online ordering services featuring human resource management merchandise; promoting public interest in education, recognition, career development, and leadership for elite managers and executives in corporations and professional service firms; promoting the goods and services of others by preparing and placing advertisements in an electronic magazine accessed through a global computer network; providing academic course administrative services for other academic institutes, namely, online course registration; providing online computer database featuring trade information regarding human resource management; providing online searchable database featuring classified advertisement listings and employment opportunities; providing information about the goods and services of others via the global computer network; provide online registration services for instructional classes; retail store services and mail order services featuring a wide variety of human resource management related merchandise</p>
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		such as books, jewelry, clothing and pens; research, development, and consultations in relation thereto in the field of human resource management
3,544,022		Printed award certificates; a series of books, booklets, brochures, columns, directories, flyers, handouts, informational letters, leaflets, journals, magazine columns, magazine sections, magazines, newsletters, pamphlets, printed correspondence course materials, printed educational materials, printed mail response cards, printed teaching materials, textbooks, and workbooks, in each case, in the field of human resource management; general feature magazine; notepads; merchandise bags; printed reporting tools for chapters and councils of human resource management professionals, namely, printed reports in the field of human resource management; printed membership application forms; study guides; printed matter, namely, summaries in the field of human resource management; and printed reports featuring human resource management
3,651,545		Accreditation services, namely, developing, evaluating, setting and providing standards, and testing standards for human resources professionals
3,811,208		Publication of online books
3,557,975		printed award certificates; printed award paper banners; a series of books, booklets, brochures, columns, circulars, directories, flyers, handouts, informational letters, leaflets, journals, magazine columns, magazine sections, magazines, newsletters, pamphlets, printed correspondence course materials, printed educational materials, printed mail response cards, printed teaching materials, textbooks, and workbooks, in each case, in the field of human resource management; binders; calendars; daily planners; decals; diaries; executive folders with paper notepads; general feature magazine; notepads; merchandise bags; pencils; pens; printed summaries of lectured presentations in the field of human resources management; printed emblems; printed reporting tools for chapters and councils of human

		resource management professionals, namely, printed reports in the field of human resource management; stationery; printed membership application forms; study guides; printed matter, namely, summaries in the field of human resource management; printed survey answer sheets; and printed reports featuring human resource management
3,543,993		Recordings video recordings, featuring information regarding human resource management; downloadable audio files, multimedia files, text files, emails, written documents, audio material, and video material featuring information in the field of human resource management; education software featuring instruction in the field of human resource management
3,667,084		Accreditation services, namely, developing, evaluating, setting and providing standards, and testing standards for human resources professionals
3,568,021		Arrangement of training courses; arranging and conducting educational conferences, exhibitions, seminars, professional workshops and training courses; developing educational manuals and materials for others, in each case, in the field of human resource management; education in the field of human resource management rendered through live and online classes, seminars, and workshops; educational services, namely, conducting informal online programs in the field of human resource management and printed materials distributed therewith; instruction in the field of human resource management; meeting and seminar arranging; online publications, namely, online newsletters, written articles, white papers and survey reports in the field of human resource management; providing newsletters in the field of human resource management via email; providing online information and news in the field of employment training; providing recognition and incentives by way of awards to demonstrate excellence in the field of human resource management; publications, namely, providing online magazines in the field of human resource management; teaching in the field of human resource management; training services in the field of human resource management

1	3,554,542		Arranging and conducting business conferences, online trade show exhibitions and trade show exhibitions in the field of human resource management; advertising featuring communications with external audiences using printed materials, white papers, news releases, and advertising; dissemination of advertising for others via online communication networks on the internet; dissemination of advertising, scheduling, and managing of training courses and programs for others via a global computer network; dissemination of advertising materials, namely, leaflets, brochures, and printed matter and distributing advertising material; educational leadership development; employee relations information services; employment hiring, recruiting, placement, staffing, and career networking services; human resource consultation; human resource management; personnel management consultancy; information, advisory, and consultancy services relating to business and management or business administration, including such services provided online or via the internet; lobbying and advocacy services intended to promote public policy issues, ideas, data and positions to promote the interests of human resource management in the fields of legislation and registration; online business networking services; online business directories featuring human resource jobs; online ordering services featuring human resource management merchandise; promoting public interest in education, recognition, career development, and leadership for elite managers and executives in corporations and professional service firms; promoting the goods and services of others by preparing and placing advertisements in an electronic magazine accessed through a global computer network; providing academic course administrative services for other academic institutes, namely, online course registration; providing online computer database featuring trade information regarding human resource management; providing online searchable database featuring classified advertisement listings and employment opportunities; providing information about the goods and services of others via the global computer network; provide online registration services for instructional classes; retail store services and mail order services featuring a wide variety of
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		human resource management related merchandise such as books, jewelry, clothing, cups, paper goods, clocks and pens; research, development, and consultations in relation thereto in the field of human resource management
3,554,541		Recordings and video recordings featuring information regarding human resource management; downloadable audio files, multimedia files, text files, emails, written documents, audio material and video material featuring information in the field of human resource management; education software featuring instruction in the field of human resource management
6,440,990	SHRM	Arrangement of professional workshops and training courses; arranging, organizing, and conducting live and online exhibitions for educational purposes and live and online educational conferences, seminars, professional workshops and training courses in the field of human resource management; providing educational speakers to discuss employment, workforce, and human resource management issues; developing educational manuals and materials for others in the field of human resource management; educational services in the field of human resource management rendered through live and online classes, seminars, and workshops; educational services, namely, conducting informal online educational programs in the field of human resource management and printed materials distributed therewith; instruction in the field of human resource management; arranging meetings and seminars for educational purposes; educational services, namely, providing online non-downloadable educational materials in the field of human resources; providing online non-downloadable publications in the nature of newsletters, articles, blogs, books, magazine excerpts, course materials, research materials, brochures, manuals, sample policies, white papers, and survey reports in the field of human resource management; publications, namely, providing online magazines in the field of human resource management; providing online newsletters in the field of human resource management via email; providing online information and news in the field of employment training; providing a website featuring non-downloadable articles, guides, newsletters, videos, and educational materials in the field of



		human resources; providing recognition and incentives by way of awards to demonstrate excellence in the field of human resource management; teaching in the field of human resource management; training services in the field of human resource management; educational services, namely, providing training of human resources and management professionals for certification in the field of human resources
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9. SHRM has used its marks in commerce at least since June 25, 2007.

10. The SHRM registrations provide presumptive evidence of Plaintiff's ownership of the SHRM Marks, the validity of the SHRM Marks, and of Plaintiff's exclusive right to use the SHRM Marks in commerce in connection with the goods and services identified in the SHRM registrations.

11. The SHRM Marks are inherently distinctive and have achieved secondary meaning. Plaintiff has used and continues to use the SHRM Marks uniformly and consistently, and as a source identifier of its renowned goods and services in the HR field. As a result of its promotional efforts, advertising, and substantial membership, Plaintiff enjoys a highly valuable reputation and goodwill that is embodied in its SHRM Marks. Plaintiff is diligent in protecting its rights in its SHRM marks.

12. SHRM operates a membership portal, provides HR resources, publishes original news and magazine articles, and promotes its goods and services through its website, <https://www.shrm.org/>.

13. Some of the many resources that SHRM provides for its members on its website include, but are not limited to, employee handbooks, HR forms, job descriptions, how-to guides, policies, interactive tools, and toolkits.

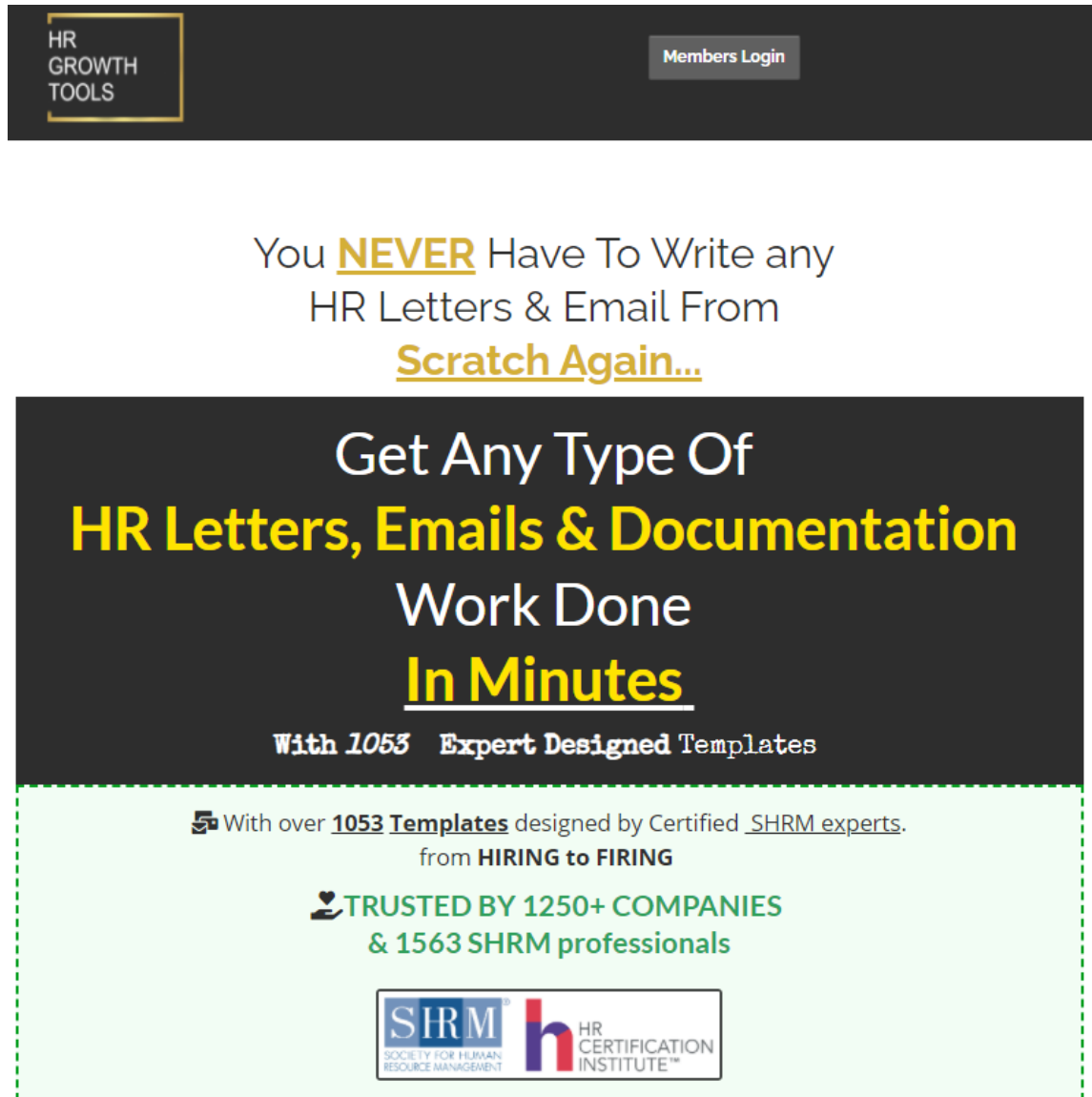
14. The SHRM design mark is prominently displayed on the SHRM website, as shown in **Exhibit A** attached to this Complaint.

#### DEFENDANT'S WILLFUL INFRINGEMENT

15. Defendant has been using identical copies of SHRM's word mark and stylized logo on its websites, [www.hrgrowthtools.com](http://www.hrgrowthtools.com), in connection with the marketing and/or sale of

1 products and services in the United States, including in this District.

2 16. Defendant purports to sell HR templates, forms, policies, job descriptions, and  
 3 related HR materials on its website. A prominent product that Defendant sells is a “Smart HR  
 4 Toolkit,” sometimes referred to as the “HR Template Bundle,” containing more than 1,000 HR  
 5 templates supposedly worth \$4,500 and selling for \$67.



17. The SHRM stylized logo is prominently displayed, without Plaintiff's  
 18 authorization, at the top of Defendant's website, as shown above and in printouts from  
 19 Defendant's website attached to this Complaint as **Exhibit B**. Defendant's website also states,  
 20  
 21  
 22  
 23  
 24

1 just above the SHRM logo, “With over 1053 Templates designed by Certified SHRM experts.  
 2 from HIRING to FIRING” and “TRUSTED BY 1250+ COMPANIES & 1563 SHRM  
 3 professionals” (underlining in original).

4 18. Plaintiff has never authorized Defendant to use its name or SHRM Marks in any  
 5 manner whatsoever.

6 19. Defendant has wrongfully used copies of the SHRM Marks with full knowledge  
 7 of Plaintiff’s rights in the SHRM Marks and with the willful intent to cause confusion and trade  
 8 on Plaintiff’s goodwill.

9 20. Defendant’s website is filled with typos and is of such a poor quality that a  
 10 mistaken belief by consumers that Plaintiff is associated with, sponsors, or endorses Defendant  
 11 or its products has caused and will continue to cause substantial harm to Plaintiff’s reputation  
 12 and goodwill.

13 21. Defendant’s goods and services are marketed and sold to business owners and HR  
 14 professionals – the same class of consumers to whom Plaintiff’s goods and services are marketed  
 15 and sold.

16 22. Defendant is likely to cause confusion regarding the source and nature of  
 17 Defendant’s products, and/or that Defendant’s products come from, are affiliated with, or are  
 18 sponsored and endorsed by Plaintiff, when in fact no such affiliation, association, sponsorship, or  
 19 endorsement exists. As a result of Defendant’s wrongful activities, consumers have been misled  
 20 and will continue to be misled, and Plaintiff has suffered and continues to suffer irreparable harm  
 21 and economic injury.

#### 22 PLAINTIFF’S LETTER TO DEFENDANT

23 23. Plaintiff sent a cease-and-desist letter to Defendant on or around July 21, 2021,  
 24 via both USPS certified mail and UPS overnight mail, a copy of which is attached to this  
 25 Complaint as **Exhibit C**. The certified mail receipt and UPS tracking results, showing the letter  
 26 was delivered on July 22, 2021, are attached as **Exhibit D**.

24. Plaintiff notified Defendant of Defendant's infringement of Plaintiff's SHRM Marks and demanded that Defendant immediately cease use of the SHRM Marks by August 5, 2021. Defendant did not respond to Plaintiff's letter, nor did Defendant cease use of the SHRM Marks.

**COUNT ONE**

**(Trademark Infringement, 15 U.S.C. § 1114)**

25. Plaintiff realleges paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Plaintiff owns all right, title, and interest in and to the SHRM Marks and has standing to maintain an action for trademark infringement under 15 U.S.C. § 1114.

27. Without Plaintiff's authorization, Defendant uses the SHRM Marks in connection with its products and services and in commerce.

28. Defendant's use of the SHRM Marks constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

29. Upon information and belief, Defendant had actual and constructive knowledge of Plaintiff's ownership and rights in the SHRM Marks prior to Defendant's infringing use of the marks.

30. Upon information and belief, Defendant used and continues to use the SHRM Marks in commerce with actual knowledge of Plaintiff's rights and with actual knowledge that such use was infringing and continues to infringe Plaintiff's rights, all with the intention to cause confusion, mistake, and/or deception.

31. Defendant's use of the SHRM Marks is likely to cause confusion, mistake, or deception as to the affiliation, connection, source, sponsorship, or association of Defendant's association with Plaintiff and its products and services.

32. Upon information and belief, Defendant's intentional and willful infringement of the SHRM Marks has caused damage and will continue to cause damage to Plaintiff, and is causing substantial, immediate, and irreparable harm to Plaintiff for which there is no adequate

1 remedy at law. Unless restrained by this Court, Defendant will continue to infringe the SHRM  
2 Marks. Plaintiff is thus entitled to permanent injunctive relief.

3 **COUNT TWO**

4 **(False Designation of Origin, 15 U.S.C. § 1125(a))**

5 33. Plaintiff realleges paragraphs 1 through 24 of this Complaint as if fully set forth  
6 herein.

7 34. Plaintiff's creation, adoption, and use of the SHRM Marks predates Defendant's  
8 adoption and use of the SHRM Marks.

9 35. Defendant continues to use the SHRM Marks in connection with HR products and  
10 services, without authorization from Plaintiff.

11 36. Defendant's use of the SHRM Marks is likely to cause confusion, mistake, or  
12 deception as to the characteristics, qualities, sponsorship, affiliation, or approval of its products  
13 and/or business.

14 37. Defendant has intentionally and falsely designated the origin of its products with  
15 the intention of deceiving and misleading the public at large, and of wrongfully trading on the  
16 reputation and goodwill of Plaintiff and its trademark, in violation of 15 U.S.C. § 1125(a).

17 38. Defendant's false designation of origin has caused damage and, unless enjoined,  
18 will continue to cause substantial, immediate, and irreparable damage to Plaintiff, its business  
19 reputation, and its goodwill, for which there is no adequate remedy at law, which actions will  
20 continue unless restrained by this Court. Plaintiff is thus entitled to permanent injunctive relief.

21 **COUNT THREE**

22 **(California Common Law Trademark Infringement)**

23 39. Plaintiff realleges paragraphs 1 through 24 of this Complaint as if fully set forth  
24 herein.

25 40. Defendant has used in commerce in California, without permission of Plaintiff, a  
26 trademark that is identical to and/or confusingly similar to the SHRM Marks.

**(Unfair Competition in Violation of Cal. Bus. and Prof. Code § 17200 *et seq.*)**

14            45.    Plaintiff realleges paragraphs 1 through 24 of this Complaint as if fully set forth  
15    herein.

16           46. Defendant's wrongful acts described above constitute unfair competition in  
17 violation of California Business & Professions Code § 17200 *et seq.*, as they are likely to deceive  
18 and mislead the public.

47. As a result of Defendant's acts of unfair competition, Plaintiff has been and continues to be substantially and irreparably harmed. If Defendant's unfair competition is permitted to continue, further damage and irreparable injury will be sustained by Plaintiff. Through such unfair acts and use of confusingly similar trademarks, the value of the SHRM Marks will be diminished or destroyed, for which damage Plaintiff cannot be adequately compensated at law. Such irreparable injury will continue unless Defendant is permanently enjoined by this Court from further violation of Plaintiff's rights, and for which Plaintiff has no adequate remedy at law.



48. Defendant has derived unlawful gains and profits from its acts of unfair competition, as alleged above, and has caused loss and damage to Plaintiff, Plaintiff's goodwill and the SHRM Marks. Plaintiff has suffered and is likely to continue to suffer injury to its business, goodwill, reputation and profit, in an amount as yet unknown but to be proved at trial.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that the Court:

1. Enter judgment in favor of Plaintiff and against Defendant for violating Section 32 of the Lanham Act (15 U.S.C. § 1114) and Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a));

2. Enter judgment in favor of Plaintiff and against Defendant for violating Plaintiff's common law trademark rights;

3. Enter judgment in favor of Plaintiff and against Defendant for violating California Business & Professions Code § 17200 *et seq.*;

4. Find that Defendant willfully and deliberately infringed the SHRM Marks in violation of federal and California law;

5. Award Plaintiff an amount up to three times the amount of its actual damages, in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a));

6. Permanently enjoin and restrain Defendant, its officers, agents, employees and all persons acting or claiming to act on its behalf under its direction or authority, and all persons acting or claiming to act in concert or in participation with it or any of them, from infringing the SHRM Marks in any manner in the sale, promotion, distribution, purchase, or advertising of Defendant's products, and specifically, enjoined from using the SHRM Marks;

7. Permanently enjoin and restrain Defendant, its officers, agents, employees and all persons acting or claiming to act on its behalf under its direction or authority, and all persons acting or claiming to act in concert or in participation with it or any of them, from engaging in acts of unfair competition with Plaintiff relating to use of the SHRM Marks in any manner, in the sale, promotion, distribution, purchase or advertising of Defendant's goods;

8. Order that Defendant's website be taken down, if Defendant does not willingly remove the SHRM Marks from its website within ten (10) calendar days from the date of judgment;

9. Direct that Defendant account to and pay over to Plaintiff all profits realized by its wrongful acts in accordance with Section 35(a) of the Lanham Act (15 U.S.C. § 1117(a)), enhanced as appropriate to compensate Plaintiff for the damages caused thereby;

10. Declare that this is an exceptional case pursuant to Section 35(a) of the Lanham Act and awarding Plaintiff its costs and attorneys' fees thereunder (15 U.S.C. § 1117(a));

11. Award punitive damages in an amount to be determined at trial;

12. Award Plaintiff interest, including prejudgment and post-judgment interest, on the foregoing sums; and

13. Award such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues in this case.

DATED: September 30, 2021

Respectfully submitted,

  
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